

REMARKS/ARGUMENTS

The Office Action mailed August 11, 2004 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

In the specification, the "Cross References to Related Applications" section has been amended to update status information for related applications. No new matter has been added.

Claims 1, 10, 12-14, 16, 25, 27-29, 31, 40, 42-44, 46, and 58-59 have been amended to overcome the 35 U.S.C. §112 issues. The text of claims 2-9, 11, 15, 17-24, 26, 30, 32-39, 41, 45, 47-57, and 60-61 is unchanged, but their meaning is changed because they depend from amended claims.

New claims 62-73 also particularly point out and distinctly claim subject matter regarded as the invention. New claims 62-64, 65-67, 68-70, and 71-73 represent claims 13-15, 28-30, 43-45, and 58-60, respectively, rewritten in independent form to include the limitations of the independent claim and intervening claims.

The 35 U.S.C. § 112, Second Paragraph Rejection

Claims 1-61 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention.¹ With this Amendment, it is respectfully submitted the claims satisfy the statutory requirements.

The 35 U.S.C. § 102 Rejection

Claims 1, 3-5, 7, 9, 11, 16, 18-20, 22, 24, 26, 31, 33-35, 37, 39, 41, 46, 48-50, 52, 54, and 56 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Mauger^{2,3}. This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.⁴

Claim 31

Claim 31 as amended recites:

An apparatus for dynamic ingress to egress tunnel mapping on a communication network,
the apparatus comprising:
means for receiving a tunneled communication from a subscriber using said a first
communication network, said first communication network connected to at least one

¹ Office Action dated August 11, 2004, ¶ 3.

² U.S. Patent No. 6,522,627 to Mauger.

³ Office Action ¶ 5.

⁴ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

communication network by at least one egress tunnel communicatively coupled to a remote domain;
means for determining egress tunnel selection criteria for said tunneled communication, said egress tunnel selection criteria indicating the a basis for selecting one of said at least one egress tunnel, said means for determining based at least in part on a tunnel database comprising selection criteria for at least one egress tunnel connecting said first communication network to said at least one communication network;
means for selecting one of said at least one egress tunnel based on said egress tunnel selection criteria; and
means for forwarding said tunneled communication on the selected egress tunnel.

With this Amendment, the “means for determining egress tunnel selection criteria” element of claim 31 has been modified to specify that the means for determining is based at least in part on a tunnel database comprising selection criteria for at least one egress tunnel connecting the first communication network to the at least one communication network. This is not disclosed by Mauger. Accordingly, the 35 U.S.C. § 102 rejection of claim 31 based on Mauger is unsupported by the art and should be withdrawn.

Dependent Claims 32-45

Claims 32-45 depend from claim 31 and thus include the limitations of claim 31. Claim 31 being allowable, claims 32-45 must be allowable for at least the same reasons as claim 31.

Claim 37

Claim 37 recites:

The apparatus of claim 34 wherein said means for selecting further comprises:
means for examining Type of Service (ToS) bits associated with said PPP session; and
means for selecting one of said one or more available egress tunnel based on said ToS bits.

The Examiner states:

Mauger further disclosed the apparatus wherein said means for selecting further comprises:
means for examining Type of Service (TOS) bits associated with said PPP session (see Fig. 2: 3 bits of COS (class of service) in the L-d section of packets PI - PS); and
means for selecting one of said one or more available egress tunnel based on said TOS bits (see col.4 lines 47-50: L-d).⁵

The Applicants respectfully disagree. Contrary to the Examiner's statement, Mauger does not disclose means for selecting one of said one or more available egress tunnel based on said ToS bits. In support of the Examiner's contention, the Examiner cites the following:

As shown in FIG. 2, the packet format P1 has labels L-d, L-u1, and L-ex. The label L-d is significant to the destination edge router 11b and is a label exchanged by the label distribution protocol over the user tunnel.⁶

Thus, the cited reference merely states that a label in the packet format "is significant to the destination edge router", but does not specify what that significance is. Furthermore, while the portion of Mauger cited by the Examiner occurs within the "Description of Preferred Embodiments" section of Mauger, the cited passage relates to a discussion of prior art, not a description of Mauger's embodiments. The Applicants respectfully submit that picking and choosing elements from Mauger's discussion of the prior art and from Mauger's discussion of preferred embodiments to arrive at the Applicant's claimed invention is improper. For this additional reason, the 35 U.S.C. § 102 rejection of claim 37 based on Mauger is unsupported by the art and should be withdrawn.

⁵ Office Action ¶ 5(e).

⁶ Mauger col. 4 lines 47-50.

Claim 39

Claim 39 recites:

The apparatus of claim 34 wherein said means for selecting further comprises means for randomly selecting one of said one or more available egress tunnel connected to said remote domain.

The Examiner states:

Mauger further disclosed the apparatus wherein said means for selecting further comprises means for randomly selecting one of said one or more available egress tunnel connected to a remote domain (see Fig. 4 and col. 6 lines 6-9).⁷

The Applicants respectfully disagree. Contrary to the Examiner's statement, Mauger does not disclose a means for randomly selecting one of said one or more available egress tunnel connected to said remote domain. In support of the Examiner's contention, the Examiner cites the following:

The packet is then passed to the scheduler for transmission, this includes a Weighted Fair Queuing function in order to maintain a fair discard operation in the event of overload.⁸

Thus, Mauger discloses a weighted fair queuing function to maintain a "fair" discard operation in the event of overload. But no reference is supplied to indicate what "fair" means. The Applicants respectfully submit that equating a "fair" selection with "randomly selecting" is improper. For this additional reason, the 35 U.S.C. § 102 rejection of claim 39 based on Mauger is unsupported by the art and should be withdrawn.

⁷ Office Action ¶ 5(f).

⁸ Mauger col. 6 lines 6-9.

Independent Claims 1, 16, and 46

Claim 1 is a method claim corresponding to amended means-plus-function claim 31.

Claim 16 is an In re Beauregard claim corresponding to amended means-plus-function claim 31.

Claim 46 is an apparatus claim corresponding to amended means-plus-function claim 31. Claim 31 being allowable, claims 1, 16, and 46 must be allowable for at least the same reasons.

Dependent Claims 2-15, 17-30, and 47-60

Claims 2-15 depend from claim 1. Claims 17-30 depend from claim 16. Claims 47-60 depend from claim 46. Claims 1, 16, and 46 being allowable, claims 2-15, 17-30, and 47-60 must be allowable for at least the same reasons.

The First 35 U.S.C. § 103 Rejection

Claims 2, 8, 17, 23, 32, 38, 47, and 53 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Mauger in view of Dunn et al.^{9 10} This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.¹¹

⁹ U.S. Patent No. 6,741,599 to Dunn et al.

¹⁰ Office Action ¶ 7.

¹¹ M.P.E.P. § 2143.

Claims 2 and 8 depend from claim 1 and thus includes the limitations of claim 1. Claims 17 and 23 depend from claim 16 and thus includes the limitations of claim 16. Claims 32 and 38 depend from claim 31 and thus includes the limitations of claim 31. Claims 47 and 53 depend from claim 46 and thus includes the limitations of claim 46. The arguments made above with respect to claims 1, 16, 31, and 46 apply here as well. The 35 U.S.C. § 102 rejection of claims 1, 16, 31, and 46 based on Mauger is unsupported by the art, as each and every element as set forth in claims 1, 16, 31, and 46 is not disclosed or suggested by Mauger. Therefore, the 35 U.S.C. § 103 rejection of dependent claims 2, 8, 17, 23, 32, 38, 47, and 53 based on Mauger in view of Dunn et al. is also unsupported by the art. Thus, no prima facie case of obviousness has been established and the 35 U.S.C. § 103 rejection should be withdrawn.

Claim 32

Claim 32 recites:

The apparatus of claim 31, further comprising means for initializing a tunnel database that includes tunnel selection criteria for at least one egress tunnel connecting said first communication network to said at least one communication network.

The Office Action contends that the elements of the presently claimed invention are disclosed in Mauger except that Mauger does not teach a means for initializing a tunnel database that includes tunnel selection criteria for at least one egress tunnel connecting said first communication network to said at least one communication network.¹² The Office Action further contends that Dunn et al. teaches a means for initializing a tunnel database that includes tunnel selection criteria for at least one egress tunnel connecting said first communication network to said at least one communication network and that it would be obvious to one having

¹² Office Action ¶ #.

ordinary skill in the art at the time of the invention to incorporate the means for initializing a tunnel database that includes tunnel selection criteria for at least one egress tunnel connecting said first communication network to said at least one communication network as taught by Dunn et al. into Mauger in order to properly operate a point-to-point (PPP) protocol throughout a LAC network.¹³ The Applicants respectfully disagree for the reasons set forth below.

Contrary to the Examiner's statement, Dunn et al. does not disclose a means for initializing a tunnel database that includes tunnel selection criteria for at least one egress tunnel connecting a first communication network to at least one communication network as required by claim 32. In support of the Examiner's contention, the Examiner refers to FIG. 5 of Dunn et al., which illustrates an Access Interface Unit AIU, and FIG. 7 of Dunn et al., which illustrates a functional block diagram showing a modem application pack (MAP) and an interconnected ATM feeder multiplexer (AFM).

cites the following:

In step 230 in FIG. 10a, a PPP packet arrives at the MAP 78 over the TDM Highway 122/124, embedded in the voice band as tones. In step 232, the timeslot fanout unit 140 in the MAP 78 fans out the PCM highway 122/124 to the individual modem chips 142. This is preferably a *fixed relationship* of one TDM time slot to one modem chip that is established when the MAP 78 is initialized.¹⁴

And Dunn et al. further discloses:

In step 214, the AFM 80 attempts to setup the virtual channel to the ESP. In the case where the ESP's ATM address was provided by the MAP 78, the AFM 80 negotiates the setup of the SVC between itself and the ESP. The actual SVC setup could be a many step process depending on the number of ATM switches that are between the AFM 80 and the ESP. In the case where the dialed digits are provided, the AFM 80 uses the dialed digits to query a network database (not shown) located at a centralized location to obtain the ATM address of the ESP. This query can be a standard UDP message carried over a virtual channel to the database. After receiving the ESP's ATM address from the

¹³ Office Action ¶ 7.

¹⁴ Dunn et al. col. 8 lines 46-52.

database, the AFM 80 negotiates the setup of the SVC between itself and the ESP. Again, the actual SVC setup could be a many step process depending on the number of ATM switches that are between the AFM 80 and the ESP. After the SVC is successfully setup, the AFM 80 updates the ATM routing chipset 156 and the ATM cell bus switches 148 and 150 in step 216 with an internal VPI/VCI pair corresponding to the modem chip 142 involved in the connection, and an external VPI/VCI pair corresponding to the ESP.¹⁵

Thus, Dunn et al. discloses initializing a fixed relationship or configuration between an internal VPI/VCI pair and an external VPI/VCI pair. It does not disclose initializing tunnel selection *criteria* for at least one egress tunnel. Since the tunnel selection criteria of the present invention may depend upon real-time data, it is the *criteria* in claim 32 that is initialized, *not* the configuration.

For this additional reason, the 35 U.S.C. § 103 rejection of claim 32 based on Mauger in view of Dunn et al. is unsupported by the art and should be withdrawn.

The Second 35 U.S.C. § 103 Rejection

Claims 10, 12, 25, 27, 40, 42, 55, and 57 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Mauger.¹⁶ This rejection is respectfully traversed.

Claims 10 and 12 depend from claim 1 and thus includes the limitations of claim 1. Claims 25 and 27 depend from claim 16 and thus includes the limitations of claim 16. Claims 40 and 42 depend from claim 31 and thus includes the limitations of claim 31. Claims 55 and 57 depend from claim 46 and thus includes the limitations of claim 46. The arguments made above with respect to claims 1, 16, 31, and 46 apply here as well. The 35 U.S.C. § 102 rejection of

¹⁵ Dunn et al. col. 8 lines 11-31.

¹⁶ Office Action ¶ 8.

claims 1, 16, 31, and 46 based on Mauger is unsupported by the art, as each and every element as set forth in claims 1, 16, 31, and 46 is not disclosed or suggested by Mauger. Therefore, the 35 U.S.C. § 103 rejection of dependent claims 10, 12, 25, 27, 40, 42, 55, and 57 based on Mauger is also unsupported by the art. Thus, no prima facie case of obviousness has been established and the 35 U.S.C. § 103 rejection should be withdrawn.

Claims 40 and 42

Claim 40 recites:

The apparatus of claim 34 wherein said means for selecting further comprises:
means for determining the available bandwidth for at least one egress tunnel to said remote domain; and
means for selecting one of said one or more available egress tunnel to said remote domain having the most available bandwidth.

Claim 42 recites:

The apparatus of claim 34 wherein said means for selecting further comprises:
means for determining the a time at which said PPP session is received;
means for determining the available bandwidth for at least one egress tunnel to said remote domain; and
means for selecting one of said one or more available egress tunnel having the most available bandwidth at said time.

The Office action admits that Mauger does not teach a means for selecting one of said one or more available egress tunnel having the most available bandwidth at said time, but does not provide a specific reference where such a limitation is found, instead arguing:

Mauger inherently disclosed such a means for selecting one of one or more available egress tunnel having the most available bandwidth at said time because Mauger disclosed some principles of the control architecture of arrangement as shown in Fig.4 and illustrated in Figs. 6 and 6a. In which, it allows each node to establish a topology database. The topology state packets are sent on a regular basis and contain for example information on available bandwidth. In a large network the amount of topology information may grow to the point where it becomes difficult or impossible to communicate (*hence, maximum bandwidth*) (see col. 7 lines 24-35).

Therefore, at the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such a means for selecting one of said one or more available egress tunnel having the most available bandwidth at said time teaching in the instant claims with Mauger, so that a maximum available bandwidth can be implemented throughout an appropriate egress tunnel of a L2TP network. The motivation for doing so would have been to maximize network availability and reliability in bandwidth allocation. Thus, it would have been obvious to combine the instant claims with Mauger in the invention as specified in the claims.¹⁷

Therefore, Applicants assume that the Office Action intended to take official notice of facts under M.P.E.P. 2144.03 that the rationale supporting the obviousness rejection is based on common knowledge in the art or "well-known" prior art. Under M.P.E.P. 2144.03, "[i]f the applicant traverses such an assertion the examiner should cite a reference in support of his or her position." The Applicants hereby traverse the assertion and request that a reference be cited in support of the position outlined in the Office Action.

Furthermore, the Applicants respectfully disagree with the Examiner's statement that Mauger inherently disclosed such a means for selecting one of one or more available egress tunnel having the most available bandwidth. The Applicants respectfully submit that such conclusory allegations regarding the alleged inherency of the teachings are improper. According to the MPEP¹⁸, an Examiner must provide a rationale or evidence tending to show inherency. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.¹⁹ Furthermore, "In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical

¹⁷ Office Action ¶ 8(a).

¹⁸ MPEP § 2112.

¹⁹ *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.”²⁰

The Applicant respectfully suggests that the Examiner has failed to provide a basis in fact and/or technical reasoning to reasonably support the determination that a means for selecting one of one or more available egress tunnel having the most available bandwidth at said time is necessarily flows from the teachings of Mauger.

The Third 35 U.S.C. § 103 Rejection

Claims 6, 21, 36, and 51 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Mauger in view of Verma et al.^{21 22} This rejection is respectfully traversed.

Claims 6, 21, 36, and 51 depend from claims 1, 16, 31, and 46, respectively, and thus include the limitations of respective claims 1, 16, 31, and 46. The arguments made above with respect to claims 1, 16, 31, and 46 apply here as well. The 35 U.S.C. § 102 rejection of claims 1, 16, 31, and 46 based on Mauger is unsupported by the art, as each and every element as set forth in claims 1, 16, 31, and 46 is not disclosed or suggested by Mauger. Therefore, the 35 U.S.C. § 103 rejection of dependent claims 6, 21, 36, and 51 based on Mauger in view of Verma et al. is also unsupported by the art. Thus, no prima facie case of obviousness has been established and the 35 U.S.C. § 103 rejection of claims 6, 21, 36, and 51 based on Mauger in view of Verma et al. should be withdrawn.

²⁰ *Ex parte Levy*, 17 USPQ2d 1461 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

²¹ U.S. Patent No. 6,614,809 to Verma et al.

²² Office Action ¶ 9.

The Fourth 35 U.S.C. § 103 Rejection

Claim 61 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Mauger in view of Adelman et al.^{23, 24} This rejection is respectfully traversed.

Claim 61 depends from claim 46 and thus includes the limitations of claim 46. The arguments made above with respect to claims 46 apply here as well. The 35 U.S.C. § 102 rejection of claim 46 based on Mauger is unsupported by the art, as each and every element as set forth in claim 46 is not disclosed or suggested by Mauger. Therefore, the 35 U.S.C. § 103 rejection of dependent claim 61 based on Mauger in view of Adelman et al. is also unsupported by the art. Thus, no prima facie case of obviousness has been established and the 35 U.S.C. § 103 rejection of claims 6, 21, 36, and 51 based on Mauger in view of Verma et al. should be withdrawn.

Claim 61 recites:

The apparatus of claim 49, further comprising:
a monitor to periodically assess the loading of said apparatus; and
a notifier to indicate that ingress tunnels should be directed to a different apparatus when said loading exceeds a predetermined threshold.

The Examiner states:

Manger disclosed all aspects of this claim as set forth in claims 46, 48 and 49. Manger failed to explicitly disclose the apparatus further comprising a monitor to periodically assess the loading of said apparatus, and a notifier to indicate that ingress tunnels should be directed to a different apparatus when said loading exceeds a predetermined threshold.

Adelman disclosed such a monitor to periodically assess the loading of said apparatus, and a notifier to indicate that ingress tunnels should be directed to a different apparatus when said loading exceeds a predetermined threshold (see Fig. 8B and col. 8 lines 14-54).

²³ U.S. Patent No. 6,078,957 to Adelman et al.

²⁴ Office Action ¶ 10.

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such a monitor to periodically assess the loading of said apparatus, and a notifier to indicate that ingress tunnels should be directed to a different apparatus when said loading exceeds a predetermined threshold, as taught by Adelman with Mauger, so that a maximum available bandwidth can be implemented throughout a L2TP network. The motivation for doing so would have been to maximize network availability and reliability in a L2TP network. Therefore, it would have been obvious to combine Adelman with Mauger in the invention as specified in the claim.²⁵

The Applicants respectfully disagree. Contrary to the Examiner's statement, Adelman et al. does not disclose a notifier to indicate that ingress tunnels should be directed to a different apparatus when said loading exceeds a predetermined threshold. In support of the Examiner's statement, the Examiner refers to FIG. 8B of Adelman et al., which illustrates calculating and storing a packet loss average using a sequence number of keepalive and adaptive keepalive interval.²⁶ The Examiner also cites the following in Adelman et al.:

Referring now to FIG. 8B another master event occurs when the master gets a "client keepalive message" (that is one from a non-master cluster member) 830. The master asks "is this client in my cluster?" 831 and if not the master sends the client an "exit cluster" message 833 telling the client to exit from this cluster. If the client is from this master's cluster the master calculates and stores a packet loss average value using the sequence number of the client keepalive message and the calculated adaptive keepalive interval. 835 The master then resets the watchdog timer for this client 837. The watchdog timer routine is an operating system routine that checks a timer value periodically to see if the failover detection interval has elapsed since the value was last reset and if so the watchdog timer is said to have expired and the system then reacts as if the client in question has left the cluster and *reassigns that clients work-load* to the remaining cluster members.

As indicated above, the master periodically sends out a master keepalive message containing the cluster member list, the adaptive keepalive interval (which is described in more detail below) and the current set of work assignments for each member which is used only for diagnostic purposes. (See FIG. 8C). In addition, the master periodically (in the preferred embodiment every 2 seconds) checks the load-balance of the cluster members. In FIG. 8D when the timer expires 855 the master calculates the load difference between most loaded (say "K") and least loaded (say "J") cluster member 857 and then asks "would moving 1 work unit from most loaded (K) to least loaded (J) have any effect?" that is, if $K > J$ is $K \geq J - 1$? 859. If so then the master sends a "work de-assign" request to the most loaded member with the least loaded member as the target recipient

²⁵ Office Action ¶ 10.

²⁶ Adelman et al. FIG. 8B reference numeral 835.

863 and then the master checks the load numbers again 865. If the result of moving 1 work unit would not leave the least loaded less than or equal to the most loaded 860 then the master makes no reassignments and exits 861

Another master event occurs when a watchdog timer for a client/cluster member expires wherein the master deletes that client from the cluster data list and the deleted unit's work goes into a pool of unassigned work to get reassigned normally as the next message arrives. (See FIG. 8E).²⁷

Thus, the cited passage in Adelman et al. discloses determining the load-balance of cluster members and moving work units between cluster members based upon the determination, not directing ingress tunnels to a different apparatus based upon the determination. Adelmen et al. does not disclose or suggest a notifier to indicate that *ingress tunnels* should be *directed to a different apparatus* when said loading exceeds a predetermined threshold as required by claim 61. For this additional reason, the 35 U.S.C. § 103 rejection of claim 61 based on Mauger in view of Adelman et al. is unsupported by the art and should be withdrawn.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

²⁷ Adelman et al. col. 8 lines 14-54. (emphasis added)

Allowable Subject Matter

The Examiner is thanked for the finding of allowable subject matter in claims 13-15, 28-30, 43-45, and 58-60 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New claims 62-64, 65-67, 68-70, and 71-73 represent claims 13-15, 28-30, 43-45, and 58-60, respectively, rewritten in independent form to include the limitations of the independent claim and intervening claims. The Applicants acknowledge the Examiner's statement of reasons for allowance as set forth in the Office Action. However, the Applicants point out that the reasons for allowability of the above referenced claims are not limited to the reasons for allowance as set forth in the Office Action, and that additional reasons for allowability may exist, each of which may be independently sufficient to establish the patentability of one or more pending claims.

Applicants respectfully reserve the right to introduce, articulate, or otherwise comment on any such additional reasons for allowance as may be appropriate in any future proceedings concerning the claimed invention.

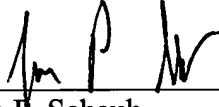
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

Dated: November 11, 2004



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